IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5741 of 2007()

CRIME NO.209/07 OF CHEVAYUR POLICE STATION

PETITIONER/IST ACCUSED

KAYALUKANDI PARAMBIL RAVEENDRAN,
S/O. CHANDAN, KAYALUKANDI PARAMBU,
VENGERI AMSOM, VERATHUR DESOM,
KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
CHEVAYUR POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No.5741 OF 2007

Dated this the 24th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. The de facto complainant is the person who allegedly is in love with the daughter of the petitioner. The petitioner does not approve of that relationship. There is animosity between the petitioner and the de facto complainant. On account of such animosity, on 4/9/07, when the de facto complainant was proceeding in a motor-cycle, the petitioner along with the co-accused is alleged to have thrown chilly powder at the victim. The victim was allegedly beaten with a stick. A crime has been registered for offences punishable, inter alia, under Secs.308 and 324 of the IPC. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that

the petitioner is absolutely innocent. Fanciful and exaggerated allegations are raised because of the nature of the dispute between the petitioner and the de facto complainant. The allegations are totally false. Allegation under Sec.308 of the IPC is included with the transparent intention of vexing and harassing the petitioner. At worst, even if the entire allegations were accepted, the petitioner cannot be said to be guilty of any offence other than the one punishable under Sec.324 of the IPC. Police are obliging the de facto complainant by making fanciful and exaggerated allegations. The petitioner may be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor has read over to me the nature of injuries allegedly suffered by the victim.

4. I am satisfied, in the facts and circumstances to which I have made a brief reference above, that this is a fit case where directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner. I take note of the submission of the learned counsel for the petitioner that the allegation under Sec.308 of the I.P.C. is not justified.

5. In the result, this petition is allowed. Following

directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 1/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 2/10/07 and 3/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. During this period the Investigating Officer shall be entitled to interrogate the petitioner in custody. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender

on 1/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 1/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge